

# MEMORANDUM

November 21, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: PHILIP S. MILLER  
Assistant County Counsel  
General Litigation Division

RE: Claim of City of Lancaster

DATE OF  
INCIDENT: August 20, 2004

AUTHORITY  
REQUESTED: \$54,721

COUNTY  
DEPARTMENT: Department of Public Works

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## CLAIMS BOARD ACTION:


☒ Approve

☐ Disapprove

☐ Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on December 5, 2005

## SUMMARY

This is a recommendation to settle for \$54,721, a claim filed by the City of Lancaster ("City") for its costs in relocating a portion of the County's water main located at Avenue K and 19<sup>th</sup> Street in Lancaster.

## LEGAL PRINCIPLE

A public entity is responsible for the negligent acts of its employees when the acts are done in the course and scope of employment.

## SUMMARY OF FACTS

The City of Lancaster planned to build a water main along Avenue K from 12<sup>th</sup> Street West to 10<sup>th</sup> Street West. Prior to construction, the City submitted plans to County Waterworks District No. 40 ("District"), to verify the location of a 20-inch diameter water main that the District maintained in 10<sup>th</sup> Street. The City's plans showed the water main to be 4 feet deep. However, the District's plan checker overlooked the fact that the water main was actually 9 feet deep, and verified the City's plans as accurately portraying the location of the water main.

The City contracted for construction of the storm drain by a private contractor. During construction, the contractor encountered the District's water main at the 9-foot depth. To prevent delay in the installation of the City's storm drain, the City hired another contractor to relocate the conflicting portion of the District's water main, with prior approval of the District.

## DAMAGES

Damages incurred by the City are \$54,721 for the costs incurred in relocating a portion of the District's water main.

## STATUS OF CASE

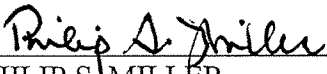
This matter is in the claim stage, and no expenses have been incurred.

## EVALUATION

This is a claim of undisputed liability. The City incurred additional expenses of \$54,721, because the County overlooked the fact that a water main was in conflict with the City's storm drain project. A reasonable settlement at this time will avoid litigation costs.

We join with our third party administrator, Carl Warren and Company, in recommending a settlement of this matter in the amount of \$54,721. The Department of Public Works concurs in the recommendation.

APPROVED:

  
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PHILIP S. MILLER  
Assistant County Counsel  
General Litigation Division

PSM:JMF:eaw